

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE 650 FIFTH AVENUE AND :
RELATED PROPERTIES :
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DOC #:
DATE FILED: **SEP 09 2013**

08 Civ. 10934 (KBF)
and all member and
related cases

ORDER

KATHERINE B. FORREST, District Judge:

The Court has reviewed the Alavi defendant-claimants' letter motion to preclude the Government from calling [REDACTED] as a trial witness, along with the Government's response letter dated September 4, 2013, and Alavi's reply dated September 5, 2013.

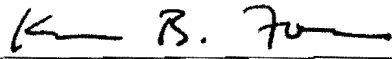
As the parties to this action are well aware, by its Order of February 1, 2013, the Court required the Government to produce its witness list not later than April 1, 2013. The Government did not produce its list until May 21, 2013, and the Court awarded appropriate relief to claimants on this basis. [REDACTED] was disclosed as a likely trial witness on August 25, 2013; he was not listed on the Government's May 21 submission.

Despite the late disclosure of [REDACTED], the Court finds good cause shown and will permit him to testify, provided that claimants are afforded the opportunity (if they so choose) to depose him for not more than three hours prior to his testimony. If necessary, this deposition may occur following the commencement of trial. The Court does not find great prejudice in the timing of the disclosure of [REDACTED] as a likely

trial witness, especially since claimants will be afforded the opportunity to depose him and in consideration of the fact that the Government learned of his potential relevance during an extremely busy pretrial period in the early summer. The relevance of his potential testimony and the fact that the Court has not been inundated with similar requests to add late-disclosed witnesses also support the Court's decision. [REDACTED] may testify.

SO ORDERED.

Dated: New York, New York
September 9, 2013



KATHERINE B. FORREST
United States District Judge